

Jonathan O. Peña, Esq.  
CA Bar ID No.: 278044  
Peña & Bromberg, PLC  
2440 Tulare St., Ste. 320  
Fresno, CA 93721  
Telephone: 559-439-9700  
Facsimile: 559-439-9723  
Email: info@jonathanpena.com  
Attorney for Plaintiff, Missy Marrel Carson

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MISSY MARREL CARSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:21-cv-00004-EPG

ORDER RE: STIPULATION FOR THE AWARD  
AND PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT

(ECF No. 25).

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of SIX THOUSAND ONE HUNDRED DOLLARS AND 00/100 (\$6,100.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and cost in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the

Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel, Jonathan O. Peña.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel including Counsel's firm may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: October 31, 2022

/s/ Jonathan O. Peña

JONATHAN O. PEÑA

Attorney for Plaintiff

Dated: October 31, 2022

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Office of Program Litigation

Social Security Administration

By: \* Oscar Gonzalez de Llano

Oscar Gonzalez de Llano

Special Assistant U.S. Attorney

Attorneys for Defendant

(\*Permission to use electronic signature  
obtained via email on October 28,2022).

**ORDER**

Based upon the parties' stipulation (ECF No. 25), IT IS ORDERED that fees and expenses in the amount of SIX THOUSAND ONE HUNDRED DOLLARS AND 00/100 (\$6,100.00) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation. The Clerk of Court is respectfully directed to terminate Plaintiff's motion for attorney fees (ECF No. 23), and all pending deadlines.

IT IS SO ORDERED.

Dated: November 1, 2022

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE